

**IN THE DRAWINGS:**

The originally filed Fig. 1 has been replaced with the replacement Fig. 1 which is shown on the Replacement Sheet.

## **REMARKS**

### **I. INTRODUCTION**

Claims 6 and 22 have been canceled. Claims 1 – 5, 7 – 21 and 23 have been amended. Fig. 1 has been replaced. Thus, claims 1 – 5, 7 – 21, 23 and 24 are now pending in the present application. No new matter has been added. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

### **II. THE OBJECTIONS TO THE DRAWINGS SHOULD BE WITHDRAWN**

The Examiner has indicated that Fig. 1 of the current application should be labeled as prior art. (*See* Office Action, p. 2). Fig. 1 has been amended and is now labeled as prior art and respectfully request the objection to Fig. 1 be withdrawn.

### **III. THE 35 U.S.C. § 112 REJECTIONS SHOULD BE WITHDRAWN**

Claims 1 - 5 and 7 - 14 stand rejected under 35 U.S.C. § 112, second paragraph, as incomplete for omitting essential steps. (*See* Office Action, p. 2). Based on the above amendments, it is respectfully submitted that the rejection of claims 1 – 5 and 7 – 14 should be withdrawn.

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite with respect to the term “conventional interface methods.” (*See* Office Action, p. 2). Based on the above amendments, it is respectfully submitted that the rejection of claims 8 should be withdrawn.

Claims 20 and 21 stand rejected under 35 U.S.C. § 112, second paragraph. The Examiner asserts that the “frame application” recited in claims 20 and 21 are unclear. (See Office Action, p. 3).

As Applicants explained in the previous response, a “frame application” provides for an integration of further software components by means of standardized interfaces, similar to add-in (e.g., plug-in) technologies. Examples of frame applications known in the art include PACTware, SMARTVISION and Fieldcare, which have FDT-interfaces. The specification supports this view by clearly describing the use of add-ins. (See Specification, p. 5 lines 7 - 9; p. 8, line 15 - p. 10, line 8). The Applicants respectfully submit that the term “frame application” is understood by those skilled in the art in the same manner as the term “operating system” would be understood. Applicants have also provided the Examiner with several examples of frame applications so that the Examiner may verify the Applicants understanding of the term “frame application.” In addition, a prior art disclosure is attached to this amendment that illustrates that the term “frame application” is understood by those skilled in the art in the same manner as the term “operating system.” The prior art disclosure was released prior to the filing date of the present application. Thus, it is respectfully submitted that the rejections of claims 20 and 21 should be withdrawn.

Based on the reasons discussed above, it is respectfully requested that all of the claim rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

#### **IV. THE 35 U.S.C. § 102(b) REJECTIONS SHOULD BE WITHDRAWN**

Claims 15 - 24 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 6,102,958 to Meystel et al. (“Meystel”). (See 4/4/07 Office Action, ¶ 5).

Meystel describes a process control system that determines optimal trajectories using multiresolutional analysis of acquired data. (See Meystel, Abstract). The system

includes a plurality of subsystems, each including one or more operational modules. (Id. at col. 9, lines 35 - 47). Various subsystems acquire and organize input based information, determine functional relationships of the information, and generate control commands to physically control, modify or alter the operation of a plant or process. (Id.)

Claim 15 recites "a memory storing an arrangement of the tree structure as a project, and a list of all windows and the corresponding attributes opened during operation as an operating session, the operating session stored in the memory being automatically restored during reloading of the process control system on the host PC."

In contrast, Meystel does not mention or suggest in any way that an operating session is automatically restored. The subsystems described by Meystel merely control the process during normal operation thereof. (Id. at col. 9, lines 35 - 47). No mention or suggestion is made that the process can be made automatically restorable, nor is there any indication whatsoever that an automatic restorable may be conditioned on a reloading of a process control system. Thus, it is respectfully submitted that Meystel neither discloses nor suggests "a memory storing an arrangement of the tree structure as a project, and a list of all windows and the corresponding attributes opened during operation as an operating session, the operating session stored in the memory being automatically restored during reloading of the process control system on the host PC" as recited in claim 15. Because claims 16 - 24 depend from, and, therefore include the limitations of claim 15, it is respectfully submitted that these claims are also allowable.

**V. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN**

Claims 1 - 5 and 8 - 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Dynasim ("Dymola Dynamic Modeling Laboratory User's Manual") in view of U.S. Patent Application No. 2002/0149628 to Smith et al. ("Smith"). (See 4/4/07 Office Action, ¶ 6).

Smith describes a method and apparatus for positioning a moveable item at an indicated location within a three-dimensional space viewed under a microscope. (See Smith, ¶ [0028]). According to Smith, a variety of window arrangements are possible for presenting a user interface to an operator, including a control window in conjunction with an image window. (*Id.* at ¶ [0190]).

Claims 1 and 14 recite “displaying values measured by the target apparatus in the input window.” The Examiner cites a portion of Dynasim which discloses the simulation of pendulum movement to purportedly teach this recitation. (See Dynasim, pp. 36 and 37). The Examiner further supports this contention by referring to a reference in Dynasim to experimental data. However, it is respectfully submitted that Dynasim neither discloses nor suggests “displaying values measured by the target apparatus in the input window.” As correctly pointed out by the Examiner, Dynasim only teaches simulation. There is no actual target device in Dynasim, there is merely a model of a device. A model of a device cannot measure anything.

The Examiner attempts to subvert this issue by stating that “Dynasim still anticipates measuring parameters of a simulated target apparatus.” (See, Office Action p. 13). However, claim 1 does not recite measuring parameters of a target apparatus, it recites “displaying values *measured by* the target apparatus.”

The Examiner also asserts that “experimental data inherently discloses real-world data measured from the target apparatus.” (See, *Id.*). The Applicants respectfully submit that there is no indication in Dynasim as to the identity of the experimental data. Thus, Applicants do not understand how this data, which is not measured by anything, could teach expressly or inherently, “displaying values *measured by* the target apparatus” as recited in claim 1. The MPEP specifically states

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is *necessarily* present in the

thing described in the reference, and that it would be so recognized by persons of ordinary skill. *Inherency, however, may not be established by probabilities or possibilities.* The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

(See MPEP § 2112 part IV). The Examiner, however, does not state as to why the data measured by a target device would be necessarily the experimental data of Dynasim. In fact, this is not something that is inherent to Dynasim.

Accordingly, it is respectfully submitted that Dynasim does not teach or suggest "displaying values measured by the target apparatus in the input window" as recited in independent claims 1 and 14. Because claims 2 - 5 and 8 - 13 depend from, and, therefore include the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Dynasim in view Smith and further in view of Kim ("A Two-Stage Modeling and Simulation Process for Web-Based Modeling and Simulation"). (See 4/4/07 Office Action, ¶ 7).

Kim relates to web-based modeling and simulation that utilizes a two-stage translation process from one markup language to another. (See Kim, Abstract). It is respectfully submitted that Kim does not cure the above described deficiencies of Dynasim and Smith. In particular, Kim relates to simulation rather than measurement. Thus, it is respectfully submitted that neither Dynasim, nor Smith nor Kim, either alone or in combination, disclose or suggest "displaying values measured by the target apparatus in the input window" as recited in claim 1. Because claim 7 depends from and includes the limitations of claim 1, it is respectfully submitted that this claim is allowable.

Claims 15 - 24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Meystel in view of Dynasim and further in view Smith. (See 4/4/07 Office Action, ¶ 8).

As discussed above, Dynasim does not relate to the determination of measured values. Thus, one skilled in the art would not be motivated to combine Dynasim with Meystel. Thus, it is respectfully submitted that neither Meystel, nor Dynasim nor Smith, either alone or in combination, disclose or suggest “displaying values measured by the target apparatus in the input window” as recited in claim 15. Because claims 16–21 and 23–24 depend from, and, therefore include the limitations of claim 15, it is respectfully submitted that these claims are also allowable.

RECEIVED  
CENTRAL FAX CENTER  
FEB 27 2008

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated:

2/27/08

By: 

Oleg F. Kaplun (Reg. No. 45,559)  
Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, New York 10038  
Tel: (212) 212-619-6000  
Fax: (212) 619-0276